

SENATE BILL No. 122

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-38-6-6.

Synopsis: Viewing of execution by victim's family. Permits a family member of a victim to view the execution of a convicted person, and permits the superintendent of the state prison to exclude persons from viewing the execution if the number of witnesses would unduly crowd the viewing chamber.

Effective: July 1, 2006.

Waterman

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 122

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-38-6-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Only the
3 following persons may be present at the execution:

- 4 (1) The superintendent of the state prison.
- 5 (2) The person designated by the superintendent of the state
6 prison and any assistants who are necessary to assist in the
7 execution.
- 8 (3) The prison physician.
- 9 (4) One (1) other physician.
- 10 (5) The spiritual advisor of the convicted person.
- 11 (6) The prison chaplain.
- 12 (7) Not more than ten (10) friends or relatives of the convicted
13 person who are invited by the convicted person to attend.
- 14 **(8) A parent, spouse, child, or sibling of the victim.**

15 (b) The superintendent of the state prison may exclude a person
16 from viewing the execution if the superintendent determines that:

- 17 (1) the presence of the person would threaten the safety or



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1 security of the state prison; ~~and sets or~~

2 **(2) the number of persons intending to be present at the**
 3 **execution would unduly crowd the viewing chamber.**

4 **If the superintendent excludes a person from viewing an execution**
 5 **under this subsection, the superintendent shall set forth this**
 6 **determination in writing.**

7 (c) The department of correction:

8 (1) shall keep confidential the identities of persons who assist the
 9 superintendent of the state prison in an execution; and

10 (2) may:

11 (A) classify as confidential; and

12 (B) withhold from the public;

13 any part of a document relating to an execution that would reveal
 14 the identity of a person who assists the superintendent in the
 15 execution.

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